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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,783	01/24/2000	Richard C. Johnson	ORCL5628	7640

22430 7590 08/05/2005

YOUNG LAW FIRM  
 A PROFESSIONAL CORPORATION  
 4370 ALPINE ROAD SUITE 106  
 PORTOLA VALLEY, CA 94028

EXAMINER
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GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/490,783

Applicant(s)

JOHNSON, RICHARD C.

Examiner

Luke Gilligan

Art Unit

3626

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-4, 7-10, 13-16.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

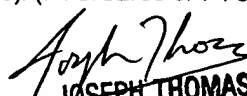
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Continuation of 11. does NOT place the application in condition for allowance because: In the remarks filed 7/8/05, Applicant argues in substance that (1) in Tsuei, the bank does not perform all of the functions recited in claim 1; (2) in Tsuei, no entity generates a shipping identifier that is associated with the package code; (3) Tsuei does not teach that a shipper receives a request to pick up a package from a bank or receive a shipping identifier and a delivery address associated with the shipping identifier from a bank; (4) Tsuei does not teach that a merchant sends a request for a package code.

In response to Applicant's argument (1), the Examiner respectfully submits that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the case of claim 1, it is respectfully submitted that the body of the claim does not explicitly refer to the particular bank recited in the preamble, with the exception that the bank does not send any delivery address information and that the retrieved address is associated with the customer's account at the bank. Moreover, the Examiner respectfully submits that all of the recited steps are ultimately enabled by the bank of Tsuei because the real address of the customer used for shipping of any purchased goods originates from the address associated with the customer's account with the banking entity (see paragraph 0024). Finally, the Examiner respectfully submits that the bank recited in the preamble is clearly not intended to carry out all of the recited steps because the claim recites that the shipper ships the package from the vendor to the delivery address.

In response to Applicant's argument (2), the Examiner respectfully disagrees and submits that in Tsuei, the PMMC generates the shipping identifier for the package based on the package code. Furthermore, as noted above, the shipping address corresponds to the customer's real address from the banking entity.

In response to Applicant's argument (3), The Examiner respectfully submits that claim 7 does not recite that the request to pick up the package is received from the bank. Rather, the claim recites, as in Tsuei, that the request is received from the vendor. In addition, Applicant's attention is directed to the response above which describes how, in Tsuei, the real address of the customer originates from the bank entity.

In response to Applicant's argument (4), as described above in response to argument (1), the preamble is generally not accorded any patentable weight where the body of the claim does not refer to the particular elements recited in the preamble. Here again, the body of the claim does not explicitly refer to the vendor recited in the preamble, with the exception that the package is shipped from the vendor to the delivery address. Furthermore, because in Tsuei, the vendor requires the package code that corresponds to the customer's account at the bank entity, it is respectfully submitted that the described transaction between the vendor and the customer in Tsuei involves a form of request for a package code.